

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JOSE LUIS SANCHEZ-VELAZQUEZ,)	Criminal No. 07-CR-1831-L
)	Civil No. 08-CV-1342-L
Petitioner,)	
)	ORDER DISMISSING WITH
v.)	PREJUDICE PETITIONER'S
)	MOTION UNDER 28 U.S.C. § 2255
UNITED STATES OF AMERICA,)	TO VACATE, SET ASIDE OR
)	CORRECT SENTENCE
)	
Respondent.)	

On July 23, 2008, Petitioner filed a motion pursuant to 28 U.S.C. § 2255 to vacate, set aside or correct sentence. The Court has reviewed the record in this case, which clearly establishes that Petitioner waived both his right to appeal and to collaterally attack his conviction and sentence. Plea Agreement ¶ XI. Petitioner's motion raises no challenge to the validity of that waiver, therefore this Court lacks jurisdiction to consider any collateral challenge to his conviction and sentence. *See Washington v. Lampert*, 422 F.3d 864, 869-70 (9th Cir. 2005 (recognizing that if sentencing agreement's waiver of the right to file a federal habeas petition was valid, district court lacked jurisdiction to hear the case)).

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1 Accordingly, Petitioner's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28
2 U.S.C. § 2255 is **DISMISSED WITH PREJUDICE**.

3 **IT IS SO ORDERED.**

4
5 DATED: July 25, 2008

6 
7 M. James Lorenz
8 United States District Court Judge

9 COPIES TO:

10 PETITIONER
11 U.S. ATTORNEY'S OFFICE
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